

(A)

Notice of Allowability	Application No.	Applicant(s)	
	10/716,395	AMANAI ET AL.	
	Examiner	Art Unit	
	Fayez G. Assaf	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the T.D. filed 8/3/2004 and phone interview with Mr. Altmiller on 8/3/2004.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 20 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/125,719.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/20/2003</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 8/3/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. patent 6,687,029 B2 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Altmiller (Reg. No. 25,951) on 8/2/2004.

The application has been amended as follows:

In the Specification:

After the title, on line 5, the following phrase has been inserted after "filed 19 April 2002," --now U.S. Patent 6,687,029 B2--.

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The Abstract has been amended as follows:

A viewing optical system for display apparatus, includes an ocular optical member for leading an observation image formed by an observation image forming member to an exit pupil has a first prism member and a second prism member. The first prism member has a first entrance surface, a reflecting surface and a first exit surface disposed to face each other across a first prism medium. The second prism member has a second entrance surface and a second exit surface disposed to face each other across a second prism medium. The first and second prism members are cemented together with a holographic element interposed between the first exit surface and the second entrance surface. The reflecting surface has a positive power. The first exit surface and the second entrance surface are each formed from a plane or cylindrical surface. The holographic element also has a plane of cylindrical surface.

In the claims:

Claim 1, line 14, the word "said" has been changed to the word --an--.

Claim 1, line 26, the word "mbeemr" has been replaced with the word --member--.

Claim 2, line 15, the word "said" has been changed to the word --an--.

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Allowable Subject Matter

Claims 1-6 are allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest the specific arrangement of surfaces of the first and second prisms wherein the second prism member and the first prism member are cemented together with a holographic element interposed between the third exit surface and the fourth entrance surface as set forth in the claimed combination in independent claims 1 and 2.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kasai (US 6,429,954 B1).

Kasai (US 6,352,346 B1).

Ohtaka et al. (US 6,594,085 B2).

The references teach image display devices; however, the references do not teach, disclose or render obvious the arrangement of the optical elements as recited in the claimed invention.

Conclusion

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fayez G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Fayez G. Assaf". The signature is stylized with a large, looped 'F' and a cursive 'Assaf'.

Fayez G. Assaf

Examiner

Art Unit 2872

FA

8/5/04